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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,444	11/20/2003	Gi Hyeong Do	9988.075.00-US	6634
30827	7590	07/14/2005	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/716,444

Applicant(s)

DO, GI HYEONG

Examiner

Stephen Gravini

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050121.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-2, 4, and 6-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Souza (US 5,761,314).

Claims 9, 11-12, and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Heater et al. (US 6,199,300).

Claim Rejections - 35 USC § 103

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Souza in view of Sung (US 5,245,764). Souza is considered to clearly anticipate the claimed invention, except for the claimed predetermined temperature value and motor stoppage step. First, it would have been an obvious matter of design choice to claim the predetermined temperature value, since that value has not been shown to have any patentable advantage over the temperature values found in the prior art of record. Second, it considered that Sung, another dryer, discloses the claimed motor stoppage step at column 7 line 17. It would have been obvious to one skilled in the art to combine the teachings of Souza, with the teachings of a motor stoppage step, considered to be found in Sung for the purpose of allowing forced cool air circulation for drying clothes without the excessive heat that would cause damage to desired laundry cleanings.

Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heater in view of Sung. Heater is considered to clearly anticipate the claimed

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invention, except for the claimed predetermined temperature value and motor stoppage step. First, it would have been an obvious matter of design choice to claim the predetermined temperature value, since that value has not been shown to have any patentable advantage over the temperature values found in the prior art of record. Second, it considered that Sung, another dryer, discloses the claimed motor stoppage step at column 7 line 17. It would have been obvious to one skilled in the art to combine the teachings of Heater, with the teachings of a motor stoppage step, considered to be found in Sung for the purpose of allowing forced cool air circulation for drying clothes without the excessive heat that would cause damage to desired laundry cleanings.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,775,923. Although the conflicting claims are not identical, they are not patentably distinct from each other because the present application expressly recites a cooling

procedure which is inherently carried out by applicant's earlier patented heater
stoppage claim step.

Response to Arguments

Applicant's arguments filed April 13, 2005 have been fully considered but they
are considered moot in view of new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Stephen Gravini whose telephone number is 571 272
4875. The examiner can normally be reached on normal weekday business hours (east
coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Monica S. Carter can be reached on 571 272 4475. The fax phone number
for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Stephen Gravini

SMG
July 7, 2005